

REMARKS/ARGUMENTS

In response to the Office Action dated January 18, 2005, claims 1, 9, 12, 20, 23, 31 and 34-36 are amended, and claims 7, 18 and 29 are cancelled. Claims 1-5, 8-16, 19-27 and 30-36 are now active in this application. No new matter has been added.

The continued indication that claims 4, 5, 8, 9, 15, 16, 19, 20, 26, 27, 30 and 31 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

I. Claims 1, 7, 12, 18, 23, 29 and 34-36 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yasuo (JP 11-258712) of record in view of Nishimura (UP 10-11500A), newly cited.

II. Claims 2, 3, 10, 11, 13, 14, 21, 22, 24, 25, 32 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasuo in view of [Nishimura and further in view of] Yamaguchi et al. (USPN 5,963,334), of record.

III. Applicant wishes to point out that the applied prior art references, and Nishimura (UP 10-11500A) in particular, do not disclose or suggest a color image taking apparatus having a telecentric optical system that includes a field lens arranged such that an optical axis of the field lens coincides with a normal to an opening at which the test chart is placed, and a focusing lens arranged at the focal point of the field lens, as now recited in dependent claims 7, 18 and 29.

To expedite prosecution, independent claim 1 is amended to delineate:

the color image taking apparatus has an optical system including a telecentric optical system that includes:

a field lens arranged such that an optical axis of the field lens coincides with a normal to an opening at which the test chart is placed, and
a focusing lens arranged at the focal point of the field lens.

Independent claims 12, 23 and 34-36 are similarly amended, and claims 7, 18 and 29 are cancelled.. Thus, amended independent claims 1, 12, 23 and 34-36 are patentable over Yasuo and Nishimura, considered alone or in combination and their allowance is respectfully solicited.

Claims 2-5 and 8-11 depend from amended independent claim 1, claims 13-16 and 19-22 depend from amended independent claim 12, and claims 24-27 and 30-33 depend from amended independent claim 23. As amended independent claims 1, 12 and 23 are patentable over Yasuo and Nishimura, dependent claims 2-5, 8-11, 13- 16, 19-22, 24-27 and 30-33 are patentable over Yasuo and Nishimura also, even when consider in view of Yamaguchi et al. Therefore, the allowance of dependent claims 2-5, 8-11, 13- 16, 19-22, 24-27 and 30-33 is respectfully solicited also.

CONCLUSION

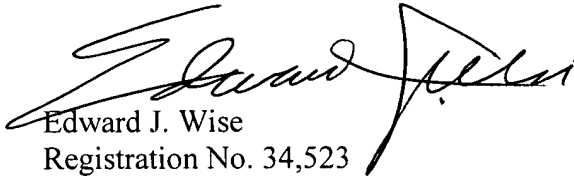
Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

Application No.: 09/668,174

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Edward J. Wise
Registration No. 34,523

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 EJW:cac
Facsimile: 202.756.8087
Date: April 18, 2005

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